

E-Filed 4/2/10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOSE MENDOZA,

No. C 09-5448 RS (PR)

Plaintiff,

ORDER DISMISSING ACTION

v.

JAMES SCHOMIG,

Defendants.

_____ /

This is a civil rights action filed by a *pro se* state prisoner pursuant to 42 U.S.C. § 1983. Plaintiff was ordered to pay the filing fee, or file a complete application to proceed *in forma pauperis* (“IFP”), by December 21, 2009 or the action would be dismissed. Plaintiff has filed an incomplete application, having failed to file a copy of his prisoner trust account statement showing transactions for the last six months, and a certificate of funds completed and signed by an authorized prison officer. Accordingly, the action is DISMISSED without prejudice. Petitioner’s motion to proceed IFP (Docket No. 2) is DENIED.

//

//

//

Petitioner's motion for the appointment of counsel (Docket No. 4) is DENIED.

This order terminates Docket Nos. 2 & 4.

The Clerk shall enter judgment in favor of defendant and close the file.

IT IS SO ORDERED.

DATED: April 1, 2010


RICHARD SEEBORG
United States District Judge

1 **THIS IS TO CERTIFY THAT A HARD COPY OF THIS ORDER WAS MAILED TO:**

2 Jose Mendoza
3 F-98251
4 La Palma Correctional Center
5 Inmate Mail/Parcels
6 5501 North La Palma Road
7 ELOY, AZ 85131

8
9 DATED: 04/2/2010

10
11 s/ Chambers Staff
12 Chambers of Judge Richard Seeborg

13
14 * Counsel are responsible for distributing copies of this document to any co-counsel who
15 have not registered with the Court's electronic filing system.
16
17
18
19
20
21
22
23
24
25
26
27
28